

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA	)	
	)	
Plaintiff,	)	
v.	)	No.: 3:11-CR-6
	)	(VARLAN/SHIRLEY)
	)	
DANIEL D. GIBSON,	)	
	)	
Defendant.	)	

**ORDER**

This criminal case is before the Court for consideration of the Report and Recommendation (“R&R”) entered by United States Magistrate Judge C. Clifford Shirley, Jr., on August 25, 2011 [Doc. 76]. There have been no timely objections to the R&R, and enough time has passed since the filing of the R&R to treat any objections as having been waived. *See* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b); Fed. R. Crim. P. 51. In the R&R, Magistrate Judge Shirley recommended that the Motion to Suppress Statements by the Defendant [Doc. 45] be denied because the defendant was properly advised of his *Miranda* rights, because the defendant made a knowing, intelligent, and voluntary waiver of his rights, and because the defendant’s statement was properly obtained and was knowing and voluntary [*Id.*, p. 19].

After a careful review of the R&R, the Court is in agreement with Magistrate Judge Shirley’s recommendation, which the Court hereby adopts and incorporates into its ruling.

Accordingly, the Motion to Suppress Statements of the Defendant [Doc. 45] is hereby **DENIED** and the Court **ACCEPTS IN WHOLE** the R&R [Doc. 76].

IT IS SO ORDERED.

s/ Thomas A. Varlan  
UNITED STATES DISTRICT JUDGE